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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,178	06/13/2000	Veselin Brankovic	450103-02669	5448

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NEW YORK, NY 10151

EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 07/29/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,178

Applicant(s)

BRANKOVIC ET AL.

Examiner

Sonny TRINH

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-33,52-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-33 is/are allowed.
- 6) ☒ Claim(s) 52-60 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 52-54 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 52, 55-58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Breeden et al. ("Breeden"; WO 93/01665).

As to **claim 52**, Breeden discloses a personal communication system providing supplemental information mode for obtaining localized information data (abstract). Breeden further discloses the a fixed hub connected to an information source, wherein content from said information source is downloaded to the mobile terminal via said fixed hub only within a small localized area of said fixed hub (pages 2-3, 5). However, Breeden does not explicitly disclose that the fixed hub is provided with a wide angle beam antenna nor the mobile terminal provided with narrow beam antenna.

However, when an application which requires only a small (localized) transmission area is needed, it is well known for a fixed hub to provide wide angle beam antenna and the Examiner takes official notice of the wide angle beam antenna for use in a limited region. The motivation for using the wide angle beam antenna is to assure proper coverage for the mobile units close to the base station (fixed hub) where most of the downlink signal arrives to the mobile unit by way of scattering from nearby reflectors. As for the mobile station with narrow beam antenna, it is well known in the art that a mobile station is usually provided with narrow beam antenna so that the user can have a direct (path) connection with the base station and would have been obvious and well within the level of a person of ordinary skill in the art to provide a narrow beam with the mobile station.

Regarding **claim 55**, Breeden discloses the invention but does not explicitly disclose that the small localized area is within 20 meters of said fixed hub. It would have been an obvious matter of design choice to reduce the localized area to within 20 meters of the hub, since such a modification would have involved a mere change in the power of the transmission equipment. A change in size is generally recognized as being within the level of ordinary skill in the art.

Regarding **claim 56**, Breeden further teaches that said fixed hub is one of a plurality of fixed hubs (page 2 lines 5-21). Furthermore, Breeden's invention does not support the hand-over between fixed hubs.

Regarding **claim 57**, Breeden further teaches that said fixed hub is adapted to upload information from said mobile terminal (page 3 lines 1-10).

Regarding **claim 58**, Breeden teaches the invention but does not disclose that the system is designed for the transmission of data in the 60 GHz range. However the use of the 60 Ghz frequency range for high bit rate data transmission is well known and widely used in Europe and also in Japan for its unlicensed requirement and the Examiner takes Official Notice of such high bit rate (60 GHz.). The motivation for using the 60 GHz. bit rate is for high speed data transmission that do not require any license.

3. **Claims 53-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Breeden et al. ("Breeden"; WO 93/01665) in view of Fischer et al. (Fischer; U.S. Patent Number 6,360,075).

As to **claim 53**, Breeden discloses the invention except for the fixed hub is provided with an antenna with a kidney shaped in cross section. In an analogous art, Fischer teaches the system and method for transmitting data. Fischer further teaches the hub is provided with an antenna with a kidney shaped in cross section ("cardioid" column 4 line 51 to column 5 line 9).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Breeden, the kidney shaped antenna, as taught by Fischer to reduce potential interference between transmissions from subscribers and transmissions to central hub (see cited passage).

As to **claim 54**, the combination of Breeden and Fischer discloses the invention. However, the combination does not disclose that the antenna is mounted on the ceiling and said kidney shape beam has a local minimum level in said cross section in a

direction opposing said ceiling. However, this claim merely add the intention of using the system in various environments and are obvious to one of ordinary skill in the art.

4. **Claims 59-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Breeden et al. ("Breeden"; WO 93/01665) in view of Kawamoto et al. ("Kawamoto"; U.S. Patent Number 6,341,133).

As to **claim 59**, Breeden discloses the invention except for said information source is a broadband data highway including video contents. In an analogous art, Kawamoto teaches an information providing apparatus and portable communication terminal to receive multimedia / broadband information (column 2 lines 55 to column 3 line 28, claims 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Breeden, the broadband/multimedia, as taught by Kawamoto so that the user can enjoy the rich information (multimedia/broadband) afforded by the broadband (bandwidth) taught by Kawamoto.

Regarding **claim 60**, Kawamoto further teaches that said contents includes contents of news information centers (column 14, specifically lines 22-40).

Allowable Subject Matter

5. **Claims 22-33** were allowed by the previous Office action (paper number 16).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 4:30 p.m. The examiner can also be reached on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-306-0377.

Sonny Trinh S.T.

7/17/03



NGUYENT.VO
PRIMARY EXAMINER